

REMARKS

The above amendments and the following remarks are fully and completely responsive to the Office Action dated April 21, 2005. Claims 1-5 are pending in this application with claims 1 and 2 amended and new claims 4 and 5 added by the present Amendment. In the outstanding Office Action, claims 1 and 3 were rejected under 35 U.S.C. § 102(b). Claim 2 was indicated as containing allowable subject matter but was objected to as being dependent on a rejected base claim. No new matter has been added. Claims 1-5 are presented for reconsideration.

35 U.S.C. § 102(b)

Claims 1 and 3 were rejected under 35 U.S.C. § 102(b) as being anticipated by Baatz et al. (U.S. Patent No. 4,706,083, "Baatz"). In making this rejection, the Office Action asserts that this reference teaches each and every element of the claimed invention. Applicant disagrees and requests reconsideration of this rejection.

Claim 1, as amended, recites in part:

...a control unit for controlling the display of the fuel consumption rate on said fuel mileage display, wherein the displayed fuel consumption rate is based on a distance traveled and an amount of fuel consumed only after a speed of the vehicle exceeds a predetermined threshold.

Baatz, at column 5, lines 21-28 and lines 32-45, teaches that data on various parameters used for calculation of a performance value is continuously collected or accumulated regardless of the vehicle speed. When the vehicle speed exceeds a predetermined threshold value (i.e., 10 miles per hour), the performance value is calculated from the accumulated data so as to indicate whether the current fuel

economy of the vehicle is comparatively good or poor. Accordingly, the calculated performance value is based not only on data collected after the vehicle speed exceeds the threshold value but also on data collected before the vehicle speed exceeds the threshold value. Consequently, Baatz teaches collecting data while the engine is idling or the vehicle at a stop. Therefore, the performance or fuel economy display system shown in Baatz has the same problem as the conventional fuel mileage calculation method discussed in pages 1 and 2 of the present application.

In contrast, the control unit of the present invention controls the display of fuel mileage on the fuel mileage display so that the displayed fuel mileage is based on the distance traveled and the amount of fuel consumption only after the vehicle speed exceeds the predetermined threshold. Consequently, the amount of fuel consumption during an idling state or when the vehicle is stopped, for example, is excluded from the calculation of fuel mileage. As a result, an approximate value of the amount of fuel consumed during actual travel can be displayed. Accordingly, the driver is provided with useful fuel mileage information.

Therefore, Baatz fails to teach and/or suggest the claimed invention. Specifically, Baatz fails to teach and/or suggest "a control unit for controlling the display of the fuel consumption rate on said fuel mileage display, wherein the displayed fuel consumption rate is based on a distance traveled and an amount of fuel consumed only after a speed of the vehicle exceeds a predetermined threshold". Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1 and 3 under 35 U.S.C. § 102(b).

Allowable Subject Matter

Claim 2 was indicated as containing allowable subject matter but was objected to as being dependent upon a rejected base claim. Applicant has amended claim 2 to place this claim in independent form including all the limitations of the base claim and any intervening claims. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection to claim 2.

New Claims

New claims 4 and 5 have been added to claim additional features of the present invention. Claim 4 depends from claim 1 and is allowable for at least the reasons discussed above regarding claim 1. Claim 5 depends from claim 2 which was indicated as containing allowable subject matter. Accordingly, Applicant respectfully requests consideration and allowance of new claims 4 and 5.

Conclusion

Applicant's amendments and remarks have overcome the objections and rejection set forth in the Office Action dated April 21, 2005. Applicant's remarks have distinguished claims 1 and 3 from Baatz and thus overcome the rejection of these claims under 35 U.S.C. § 102(b). Applicant's amendment of claim 2 places this claim in independent form and thus overcomes the objection to claim 2. Applicant's remarks have distinguished new claims 4 and 5 from the cited prior art. Accordingly, claims 1-5 are in condition for allowance. Therefore, Applicant respectfully requests consideration and allowance of claims 1-5.

Applicant submits that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests that the Examiner contact the undersigned attorney by telephone if it is believed that such contact will expedite the prosecution of the application.

In the event that this paper is not considered to be timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to our Deposit Account No. 01-2300, referring to client-matter number 101154-00013.

Respectfully submitted,
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